

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MELANIE R. WIKSTROM,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C10-1996-JCC-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of her application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 22.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings. The parties have stipulated that on remand, the Administrative Law Judge (ALJ) shall (1) re-evaluate the medical evidence of record giving legally sufficient reasons for the evaluation; (2) re-assess the medical source opinion evidence, including the opinions of Frank J. Hammer, Ph.D., Lee Gustafson, Ph.D., Kevin N. Morris, Psy.D., Peter N. Moore, Psy.D., and Dean Williams, M.D., giving

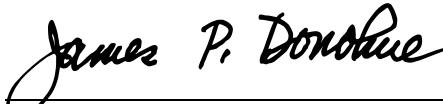
1 legally sufficient reasons for rejecting any opinion(s); (3) re-address any substance use,
2 considering Emergency Teletype EM-96200 (response to question 29) and applying the two-
3 stage method for evaluating substance use, *see* 20 C.F.R. § 404.1535 (2011); (4) re-assess
4 plaintiff's residual functional capacity; and (5) continue with the sequential evaluation process as
5 necessary.

6 The parties further stipulate that the ALJ shall offer plaintiff an opportunity for a hearing.
7 The parties agree that plaintiff may also present new arguments and further evidence on remand,
8 if such evidence becomes available. Those other aspects of the ALJ's prior decision not
9 specifically addressed here are not affirmed.

10 Upon proper presentation, the Court will consider plaintiff's application for costs,
11 expenses, and attorney fees under 28 U.S.C. §§ 2412(a), (d).

12 A proposed order accompanies this Report and Recommendation.

13 DATED this 25th day of May, 2011.

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15 JAMES P. DONOHUE
16 United States Magistrate Judge
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